

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

TIFFENY NANCE, on behalf of  
herself and the Class Members,

Plaintiff,

v.

RYDER INTEGRATED LOGISTICS,  
INC., a Delaware Corporation;  
and RYDER SYSTEM, INC., a  
Florida Corporation,

Defendants.

No. 2:23-cv-00477-TLN-JDP

**AMENDED PRETRIAL SCHEDULING  
ORDER**

After reviewing the parties' Joint Statement of Case Type,  
the Court hereby amends the Pretrial Scheduling Order.

I. SERVICE OF PROCESS

All named Defendants have been served and no further service  
is permitted without leave of court, good cause having been  
shown.

II. ADDITIONAL PARTIES/AMENDMENTS/PLEADINGS

No joinder of parties or amendments to pleadings is  
permitted without leave of court, good cause having been shown.

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1           III.    JURISDICTION/VENUE

2           Jurisdiction is predicated upon 28 U.S.C. § 1332.  
3           Jurisdiction and venue are not contested.

4  
5                           **PHASE I - CLASS CERTIFICATION**

6  
7           IV.    DISCOVERY

8           The Court finds that bifurcation is necessary in order to  
9           best determine if the elements of class certification are met.  
10          Accordingly, the Court hereby bifurcates the discovery process.  
11          All discovery in Phase I shall be limited to facts that are  
12          relevant to whether this action should be certified as a class  
13          action and shall be completed **within two hundred forty (240)**  
14          **days.** In this context, "completed" means that all discovery  
15          shall have been conducted so that all depositions have been taken  
16          and any disputes relative to discovery shall have been resolved  
17          by appropriate order if necessary and, where discovery has been  
18          ordered, the order has been obeyed. All motions to compel  
19          discovery must be noticed on the magistrate judge's calendar in  
20          accordance with the local rules of this Court.

21          V.     DISCLOSURE OF EXPERT WITNESSES

22          All counsel are to designate in writing, file with the  
23          Court, and serve upon all other parties the name, address, and  
24          area of expertise of each expert that they propose to tender for  
25          class certification purposes not later than **sixty (60) days after**  
26          **the close of discovery.**<sup>1</sup> The designation shall be accompanied by

27          <sup>1</sup> The discovery of experts will include whether any motions based on  
28          Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993) and/or  
        Kumho Tire Co. v. Carmichael, 119 S. Ct. 1167 (1999) are anticipated.

1 a written report prepared and signed by the witness. The report  
2 shall comply with Fed. R. Civ. P. 26(a)(2)(B).

3 **Within thirty (30)** days after the designation of expert  
4 witnesses, any party may designate a supplemental list of expert  
5 witnesses who will express an opinion on a subject covered by an  
6 expert designated by an adverse party. The right to designate a  
7 supplemental expert for rebuttal purposes only shall apply to a  
8 party who has not previously disclosed an expert witness on the  
9 date set for expert witness disclosure by this Pretrial  
10 Scheduling Order.

11 For purposes of this Pretrial Scheduling Order, an "expert"  
12 is any person who may be used for purposes of class certification  
13 or opposing class certification to present evidence under Rules  
14 702, 703, and 705 of the Federal Rules of Evidence, which include  
15 both "percipient experts" (persons who, because of their  
16 expertise, have rendered expert opinions in the normal course of  
17 their work duties or observations pertinent to the issues in the  
18 case) and "retained experts" (persons specifically designated by  
19 a party to be a testifying expert for the purposes of  
20 litigation).

21 Each party shall identify whether a disclosed expert is  
22 percipient, retained, or both. It will be assumed that a party  
23 designating a retained expert has acquired the express permission  
24 of the witness to be so listed. Parties designating percipient  
25 experts must state in the designation who is responsible for  
26 arranging the deposition of such persons.

27 All experts designated are to be fully prepared at the time  
28 of designation to render an informed opinion, and give their

1 bases for their opinion, so that they will be able to give full  
2 and complete testimony at any deposition taken by the opposing  
3 party.

4 VI. CLASS CERTIFICATION

5 The Motion for Class Certification shall be **filed no later**  
6 **than one hundred eighty (180) days after the close of**  
7 **certification discovery.** The parties are responsible for  
8 ensuring that all motions are filed to allow for proper notice of  
9 the hearing under the Federal Rules of Civil Procedure and/or  
10 Local Rules. Local Rule 230 governs the calendaring and  
11 procedures of civil motions.

12 Failure to comply with Local Rule 230(c), may be deemed  
13 consent to the motion and the Court may dispose of the motion  
14 summarily.

15 VII. POST-CERTIFICATION CASE ACTIVITY

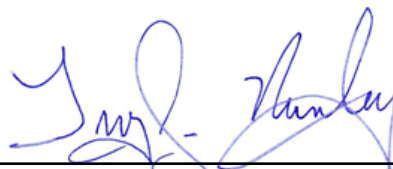
16 All other necessary dates and deadlines, including dates for  
17 the Final Pretrial Conference and Trial, along with all deadlines  
18 associated therewith, will be set by a Supplemental Pretrial  
19 Scheduling Order to be issued following the Court's ruling on  
20 Plaintiff's Class Certification Motion.

21 VIII. OBJECTIONS TO PRETRIAL SCHEDULING ORDER

22 This Pretrial Scheduling Order will become final without  
23 further order of the Court unless objections are filed within  
24 *fourteen* (14) days of service of this Order.

25 IT IS SO ORDERED.

26 DATED: April 18, 2023

27   
28 Troy L. Nunley  
United States District Judge